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Applicants respectfully disagree with the statement made in the PTO communication mailed 28 April 2005 that "Applicants' amendment necessitated the new ground(s) of rejection ..." which permitted that communication to be "FINAL". Originally filed claim 15, for example, stated that "said top and bottom fastening devices are disposed for attachment only to the wall for enabling relative positioning thereof with respect to one another both to provide a maximum ability to establish any desired positioning therebetween and for accommodating any unevenness that may exist in the wall" (emphasis supplied). Therefore, any added language presented in claims 1 and 15, for example, merely elucidate what was stated in originally presented claim 15. Accordingly, the 28 April 2005 communication should not have been made FINAL.

The Examiner indicated that claim 6, if made independent and included all the limitations of the prior claims upon which it formerly depended, would be considered allowable. Claim 6 has been so amended and, therefore, it and its dependent claims 7-14 should now be allowed.

Claims 1-5, 15 and 16 were rejected under 35 U.S.C. §102(b) as anticipated by Neer et al. Claims 18-21 were rejected under 35 U.S.C. §103(a) as unpatentable over Neer et al. In response to this rejection, claims 1, 5, 15, 16, 18, 20 and 21 have been amended, and new claim 22 added. Claims 3, 4 and 19 have been cancelled; their subject matter have been incorporated into their independent claims.

Independent claims 1, 15 and 18 now state more explicitly the loose connection that forms the loose articulation or joint as best depicted in FIG. 2A, and its light-sealing ability, including the additionally provided light seal provided by the overhang. Neither Neer et al. nor any of the other art describe such a loose articulation as presently claimed. Accordingly, these claims and their dependent claims are urged to present allowable subject matter.

Claim 5 has been amended to place it in independent form, and the necessary supporting language taken from claims 1-4 have been included. Claim 5 as previously presented was rejected as anticipated by Neer et al. The original language is

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submitted as not capable of being properly rejected by Neer et al., to wit, "an overhang positioned adjacent to said U-shaped channels to provide an additional light seal". However, for purposes of emphasis, it has been amended to read "an overhang positioned adjacent to and hanging over said U-shaped channels to provide a light seal which is additional to that provided by said pair of U-shaped channels". In the event that the Examiner might consider the following possibility, this changed language does not present new issues. First, the originally stated "overhang" is an element that hangs over something, in which the "something" in the originally filed claimed is the "U-shaped channels"; therefore, the added language "and hanging over" does not add a new issue. Second, "an additional light seal" is obviously comparable to "a light seal which is additional to that provided by said pair of U-shaped channels". Therefore, no new issues are presented. Claim 15 similarly presents such language and it, also, presents no new issues in this regard.

With respect to the rejection of claim 5 over the Neer et al. reference, the Neer et al. rearward integral extension flange 105 which is alleged to anticipate or even to have a possibly obvious similarity (should such be now asserted) to overhang 40 has no equivalence whatsoever. Extension flange 105 extends rearwardly over beads 94 and 95, far away from where any light emanates from fluorescent tube 18; further flange 105 forms a capturing element for spring 100. It is obvious that flange 105 has no capability to function as the invention's overhang 40 which provides "a light seal which is additional to that provided by said pair of U-shaped channels".

Independent claims 1, 15 and 18 also present the structure that forms a loose interleaved articulation between the upwardly and downwardly extending rails or, as stated in claim 5, articulation members. Such a loose connection is not suggested in Neer et al. nor any of the other cited art. Claim 15 and new dependent claim 22, like claim 5, define the additional light seal provided by the overhang which, as stated above, is not taught by any of the cited art. Therefore, these claims also are submitted to define patentable invention.

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Accordingly, reconsideration of the rejections of claims 1, 5, 15, 16, 18, and 20, along with new claim 22, and allowance thereof is solicited, along with amended claim 6 and its dependent claims 7-14. Allowance of claim 17 is noted.

Respectfully submitted,



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Enc. Version *WITH* Markings to Show Changes Made in Claims

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(Amendment B)

PATENTS

Attorney Docket No. 6888-111-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
LESTER EISNER AND ALBERT KIECHLE
Serial No. 10/690,482
Filed: 21 October 2003
For: LIGHT COVE


)
)
) Group Art No. 2875
)
) Examiner: Jason Han

VERSION **WITH** MARKINGS TO SHOW CHANGES MADE IN THE CLAIMS

(Per Response to Office Action dated 28 April 2005)

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Lewis B. Sternfels, (26 August 2005)
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CLAIMS

What is Claimed is:

1 1. (currently amended) A light cove adapted to be secured to a wall comprising:
2 top and bottom spaced-apart fasteners ~~each separately secured to the wall for~~
3 ~~enabling relative positioning of said top and bottom fasteners with respect to one~~
4 ~~another both to provide a maximum ability to establish any desired positioning~~
5 ~~therebetween and for accommodating any unevenness that may exist in the wall;~~
6 a panel section having a wall end and an end extending outwardly from the wall
7 end;
8 a support secured to said top fastener and to said panel section outwardly-
9 extending end for securing said panel section to said top fastener; and
10 a hinge-like attachment securing said wall end to said bottom fastener for
11 enabling said panel section to be articulated with respect to said bottom fastener in the
12 absence of when said panel section is secured to said top fastener, said hinge-like
13 attachment including
14 a generally hook-shaped channel terminating in an upwardly extending rail
15 coupled to said bottom fastener, and
16 a generally hook-shaped channel terminating in a downwardly extending
17 rail coupled to said panel section wall end and extending into said bottom fastener
18 hook-shaped channel to provide a light seal between said rails,
19 said upwardly and downwardly extending rails being generally spaced from
20 one another for providing a loose interleaved articulation therebetween to enable said
21 panel section to be easily separated from said bottom fastener [[:]]
22 ~~a support secured to said top fastener and to said panel section outwardly-~~
23 ~~extending end for securing said panel section to said top fastener.~~

1 2. (cancelled).

1 3. (cancelled).

1 4. (cancelled).

1 5. (currently amended) A light cove ~~according to claim 4~~ further adapted to be
2 secured to a wall including:
3 top and bottom spaced-apart fasteners secured to the wall;
4 a panel section having a wall end and an end extending outwardly from the wall
5 end;
6 a support secured to said top fastener and to said panel section outwardly-
7 extending end for securing said panel section to said top fastener;
8 a hinge attachment securing said wall end to said bottom fastener for enabling
9 said panel section to be pivoted with respect to said bottom fastener in the absence of
10 when said panel section is secured to said top fastener, said hinge attachment
11 comprising
12 an upwardly extending articulation member coupled to said bottom
13 fastener.
14 a downwardly extending articulation member coupled to said panel section
15 wall end and extending into said upwardly extending articulation.
16 a pair of U-shaped channels respectively formed on said bottom fastener
17 and secured to said panel section wall end.
18 in which said upwardly and downwardly extending articulation
19 members are members respectively of U-shaped channels, said U-shaped channels
20 further providing a light seal; and
21 an overhang positioned adjacent to and hanging over said U-shaped channels
22 to provide an additional a light seal which is additional to that provided by said pair of
23 U-shaped channels.

1 6. (currently amended) A light cove ~~according to claim 4~~ adapted to be secured
2 to a wall comprising:
3 top and bottom spaced-apart fasteners each separately secured to the wall for
4 enabling relative positioning of said top and bottom fasteners with respect to one

5 another both to provide a maximum ability to establish any desired positioning
6 therebetween and for accommodating any unevenness that may exist in the wall;
7 a panel section having a wall end and an end extending outwardly from the wall
8 end;
9 an attachment securing said wall end to said bottom fastener;
10 a support secured to said top fastener and to said panel section outwardly-
11 extending end for securing said panel section to said top fastener, in which said support
12 comprises a pair of straps telescoped together to provide adjustability thereto and a
13 device for securing said straps together.

1 7. (original) A light cove according to claim 6 in which said top fastener includes
2 an elongated channel and a first of said straps includes a pair of tangs which are
3 adapted to extend into said elongated channel for enabling engagement of said tangs
4 with said channel.

1 8. (original) A light cove according to claim 6 further including a latching device
2 coupled to a second of said straps and to said panel section outwardly-extending end
3 for enabling latching of said second strap to said panel section outwardly-extending
4 end.

1 9. (original) A light cove according to claim 8 in which said latching device
2 comprises:
3 a U-shaped appendage secured to said panel section outwardly-extending end
4 and having an elongated flexible lip; and
5 said second strap includes at least one projecting bump disposed for snapping
6 over said lip and into said U-shaped appendage.

1 10. (original) A light cove according to claim 9 in which said second strap
2 including at least one projecting bump includes two spaced apart projecting bumps.

1 11. (original) A light cove according to claim 9 in which said attachment
2 comprises a hinge attachment for enabling said panel section to be pivoted with respect
3 to said bottom fastener in the absence of when said panel section is secured to said
4 top fastener.

1 12. (original) A light cove according to claim 11 in which said hinge attachment
2 comprises:
3 an upwardly extending articulation member coupled to said bottom fastener;
4 and
5 a downwardly extending articulation member coupled to said panel section wall
6 end and extending into said upwardly extending articulation.

1 13. (original) A light cove according to claim 11 in which said hinge attachment
2 comprises a pair of U-shaped channels respectively formed on said bottom fastener
3 and secured to said panel section wall end, and in which said upwardly and downwardly
4 extending articulation members are members respectively of U-shaped channels, said
5 U-shaped channels further providing a light seal.

1 14. (original) A light cove according to claim 13 further including an overhang
2 positioned adjacent to said U-shaped channels to provide an additional light seal.

1 15. (currently amended) A light cove adapted to be secured to a wall
2 comprising:
3 top and bottom spaced-apart fasteners secured to the wall, ~~in which said top~~
4 ~~and bottom fasteners are disposed for individual attachment only to the wall for~~
5 ~~enabling relative positioning thereof with respect to one another both to provide a~~
6 ~~maximum ability to establish any desired positioning therebetween and for~~
7 ~~accommodating any unevenness that may exist in the wall;~~
8 a panel section having a wall end and an end extending outwardly from the wall
9 end;

10 a support secured to said top fastener and to said panel section outwardly-
11 extending end for securing said panel section to said top fastener.
12 a hinge-like attachment securing said wall end to said bottom fastener for
13 enabling said panel section to be articulated with respect to said bottom fastener in the
14 absence of when said panel section is secured to said top fastener. said hinge-like
15 attachment including
16 a generally hook-shaped channel terminating in an upwardly extending rail
17 coupled to said bottom fastener, and
18 a generally hook-shaped channel terminating in a downwardly extending
19 rail coupled to said panel section wall end and extending into said bottom fastener
20 hook-shaped channel to provide a light seal between said rails.
21 said upwardly and downwardly extending rails being generally spaced from
22 one another for providing a loose interleaved articulation therebetween to enable said
23 panel section to be easily separated from said bottom fastener; and
24 an overhang positioned adjacent to and hanging over said loosely interlaced
25 articulation rails to provide a light seal which is additional to that provided by said pair
26 of hook-shaped channels a support secured to said top fastener and to said panel
27 section outwardly extending end for securing said panel section to said top fastener.

1 16. (currently amended) A light cove according to claim 15 in ~~which said~~
2 ~~attachment comprises a hinge attachment for enabling said panel section to be pivoted~~
3 ~~with respect to said bottom fastener in the absence of when said panel section is~~
4 ~~secured to said top fastener and further including a light fixture having at least one light~~
5 ~~bulb adapted to be secured to the wall and positionable between said top and bottom~~
6 ~~fasteners, said light fixture being accessible for servicing and replacement of the light~~
7 ~~bulb when said panel section is pivoted~~ articulated ~~with respect to said bottom fastener~~
8 utilizing said loosely interlaced articulation rails ~~in the absence of when said panel~~
9 ~~section is secured to said top fastener.~~

1 17. (previously presented) A light cove adapted to be secured to a wall
2 comprising:

3 a panel section having a wall end and an end extending outwardly from the wall
4 end;
5 top and bottom elongated spaced-apart fasteners each adapted to be
6 separately secured to the wall;
7 an elongated downwardly extending U-shaped channel secured to said wall
8 end;
9 said bottom fastener including an elongated, upwardly extending U-shaped
10 channel adapted to be coupled to said elongated downwardly extending U-shaped
11 channel for enabling said panel section to be pivoted with respect to said bottom
12 fastener in the absence of when said panel section is secured to said top fastener, and
13 comprising a pair of U-shaped channels respectively formed on said bottom fastener
14 and secured to said panel section wall end, and respectively including upwardly and
15 downwardly extending articulation members extending into their respective channels;
16 a light shield positioned between said top and bottom fasteners and adjacent
17 to said U-shaped channels to form therewith a light seal;
18 a support secured to said top fastener and to said panel section outwardly-
19 extending end for securing said panel section to said top fastener,
20 including a pair of longitudinally extending straps telescoped together to
21 provide adjustability to said support, and
22 a device for securing said straps together;
23 said top fastener including an elongated channel;
24 a first of said straps including a pair of opposite directed tangs extending
25 longitudinally with respect to said first of said straps, which tangs are adapted to extend
26 into said elongated top fastener channel when said first of said straps is pivoted from
27 being parallel to said top fastener channel to being perpendicular thereto, for enabling
28 engagement of said tangs with said channel;
29 a latching device coupled to a second of said straps and to said panel section
30 outwardly-extending end for enabling latching of said second strap to said panel
31 section outwardly-extending end, in which said latching device comprises
32 a U-shaped appendage secured to said panel section outwardly-extending
33 end and having an elongated flexible lip, and

34 a pair of projecting bumps in said second strap disposed for deforming and
35 snapping over said lip and into said U-shaped appendage; and
36 a light fixture having at least one light bulb adapted to be secured to the wall
37 and positionable between said top and bottom fasteners, said light fixture being
38 accessible for servicing and replacement of the light bulb when said panel section is
39 pivoted with respect to said bottom fastener in the absence of when said panel section
40 is secured to said top fastener, and
41 said top fastener, said bottom fastener and said light fixture being disposed for
42 attachment only to the wall for enabling relative positioning thereof with respect to one
43 another both to provide a maximum ability to establish any desired positioning
44 thereamongst and for accommodating any unevenness of the wall.

1 18. (currently amended) A method for enabling a light cove to be secured to a
2 wall and for providing easy access to a light fixture shrouded by the light cove,
3 comprising the steps of:
4 securing a top fastener to the wall;
5 ~~independently from said top fastener securing step; securing a bottom fastener~~
6 ~~to the wall for enabling relative positioning of the top and bottom fasteners with respect~~
7 ~~to one another both to provide a maximum ability to establish any desired positioning~~
8 ~~therebetween and for accommodating any unevenness that may exist in the wall;~~
9 positioning the light fixture between the top and bottom fasteners; and
10 securing the light fixture to the wall; and
11 loosely articulating a panel section at a first of its ends to the bottom fastener
12 and, at a second of its ends, releasably securing the panel section to the top fastener,
13 for enabling the panel section to be loosely articulated about its first end and, thereby,
14 for enabling access to the light fixture when the panel section is not secured to the top
15 fastener.

1 19. (cancelled).

1 20. (currently amended) A method according to claim ~~19~~ 18 wherein said
2 loosely articulating step further comprising comprises the step of providing an
3 interleaved construction including spaced termini between the first panel section end
4 and ~~the one of the top and the bottom fasteners~~ fastener to provide the hinging
5 articulation therebetween and to provide a light seal.

1 21. (currently amended) A method according to claim 20 further comprising the
2 step of providing an adjustable connection between the second panel end and the
3 ~~other of the top and the bottom fasteners~~ fastener.

1 22. (new) A method according to claim 20 further comprising the step of
2 overhanging an overhang over the adjustable connection for providing a light seal
3 additional to the light seal provided thereby.